

**R E M A R K S**

Reconsideration of this application, as amended, is respectfully requested.

**THE CLAIMS**

Independent claims 8 and 21 have been amended to more clearly recite the distinguishing features of the present invention whereby the absorbent article or inner absorbent article comprises three-dimensional gathers formed at a topsheet side to be raised at both side portions in a longitudinal direction of the absorbent body, whereby the backsheet includes folding portions which are folded up to the topsheet side along both side portions in the longitudinal direction of the absorbent body, and whereby a part of each of the folding portions is adhered to the topsheet at a corresponding attachment portion to be flat along both side portions in the longitudinal direction of the absorbent body. In addition, independent claims 8 and 21 have been amended to clarify the features of the present invention whereby the topsheet includes adhesion sections along both side portions in the longitudinal direction of the absorbent body at each of which the corresponding attachment portion of the topsheet is folded up to the topsheet side and adhered to the topsheet, whereby the three-dimensional gathers are adhered to the flat folding portions so as to form flat root portions along both side portions in the

longitudinal direction of the absorbent body, and whereby the folding portions constitute at least a part of the three-dimensional gathers. See, for example, Figs. 10-12 and the corresponding disclosure in the specification. In particular, with respect to the flat root portions, see reference numeral 661 in Figs. 10 and 11 and the disclosure in the specification at page 56, lines 11-13, and with respect to the flat part of each folding portion, see, for example, Fig. 11.

Still further, independent claims 8 and 11 have been amended to avoid using the term "substantially" so as to overcome the rejection under 35 USC 112, second paragraph, and dependent claims 9-12 have been amended to better accord with amended independent claim 8.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered, and that the rejection under 35 USC 112, second paragraph, be withdrawn.

#### THE PRIOR ART REJECTION

Claims 8-11 and 21 were again rejected under 35 USC 103 as being obvious in view of previously cited WO 01/10372 ("Datta et al.") These rejections, however, are respectfully traversed with respect to the claims as amended hereinabove.

According to the present invention as recited in amended independent claims 8 and 21, an absorbent article and an inner absorbent article are provided which comprise a liquid-permeable topsheet positioned at a surface that is contactable with a human body, a non liquid-permeable backsheet positioned at a surface opposite to the topsheet, an absorbent body provided between the topsheet and the backsheet, and three-dimensional gathers formed at the topsheet side to be raised at both side portions in a longitudinal direction of the absorbent body.

As recited in amended independent claims 8 and 21, the backsheet includes folding portions which are folded up to the topsheet side along both side portions in the longitudinal direction of the absorbent body, and a part of each of the folding portions is adhered to the topsheet at a corresponding attachment portion to be flat along both side portions in the longitudinal direction of the absorbent body. In addition, as recited in amended independent claims 8 and 21, the topsheet includes adhesion sections along both side portions in the longitudinal direction of the absorbent body at each of which the corresponding attachment portion of the topsheet is folded up to the topsheet side and adhered to the topsheet. Still further, as recited in amended independent claims 8 and 21, the three-dimensional gathers are adhered to the flat folding portions so as to form flat root portions along both side portions in the

longitudinal direction of the absorbent body, and the folding portions constitute at least a part of the three-dimensional gathers. See Figs. 10 and 11, and in particular see reference numeral 661 corresponding to the flat root portions.

With this structure of the claimed present invention, the three-dimensional gathers are adhered to the flat folding portions so as to form flat root portions along both side portions in the longitudinal direction of the absorbent body, and rising edges as the flat root portions of the three-dimensional gathers are securely fixed to the top sheet. And with the structure of the claimed present invention, the three-dimensional gathers can be firmly raised with sufficient height, and not only maintain an absorption performance but also provide a reliable appearance to the user.

In addition, with the structure of the claimed present invention, since the root portions of the three-dimensional gathers are fixed, expansion in the lateral direction is prevented. Thus, the three-dimensional gathers are prevented from protruding from a conveyor line and can be easily conveyed.

Still further, with the structure of the claimed present invention, since the backsheet covers the absorbent body so as to cover the bottom face, side faces and a part of the upper face of the absorbent body, the root portions of the three-dimensional gathers are structured in a three-dimensional manner by the

backsheet which is a non liquid-permeable sheet. And with this structure of the claimed present invention, body fluid pressed out of the absorbent body can be prevented from being leaked or oozed out from the root portions of the three-dimensional gathers when the absorbent pad receives pressure from a user body. See the disclosure in the specification at, for example, page 58.

It is respectfully submitted that Datta et al does not at all disclose or suggest the above described claimed structural features and advantageous effects of the present invention as recited in amended independent claims 8 and 21.

Datta et al discloses a structure wherein side flaps 40 may be folded and bonded onto itself, and wherein longitudinal ends of the side flaps 40 may be folded over and bonded onto the body-facing side of the absorbent assembly 32 or the absorbent core 33, at regions 52 of the longitudinal end edges 26 and 27 of the absorbent pad 20. See page 16, lines 12-14 of Datta et al. It is respectfully submitted, however, that Datta et al merely discloses that the side flaps 40 thereof are folded and bonded onto themselves or that side flaps 40 are bonded onto the body-facing side of the absorbent assembly 32 or absorbent core 33 only at the regions 52 near the longitudinal end edges 26 and 27 of the absorbent pad 20. And it is respectfully pointed out that the structure of the regions 52 of Datta et al correspond to the structure of the end portions S of the absorbent article of the

present invention where respective free ends of the three-dimensional gathers are directly folded up to the topsheet and are fixed to the topsheet. See, for example, Fig. 10 and the disclosure in the specification of the present application at page 37, line 23 to page 38, line 4.

However, it is respectfully submitted that Datta et al does not disclose or suggest the features of the present invention as recited in amended independent claims 8 and 21 whereby the three-dimensional gathers are adhered to the flat folding portions so as to form flat root portions along both side portions in the longitudinal direction of the absorbent body. In this connection, it is respectfully pointed out that Fig. 4 of Datta et al merely shows elastic members 46 formed along longitudinal side portions.

Accordingly, it is respectfully submitted that the present invention as recited in amended independent claims 8 and 21, and claims 9-12 depending from amended independent claim 8, clearly patentably distinguishes over Datta et al under 35 USC 103.

\* \* \* \* \*

In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz  
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.  
220 Fifth Avenue - 16<sup>th</sup> Floor  
New York, New York 10001-7708  
Tel. No. (212) 319-4900

DH:jd/dd